

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

GEORGE RAY LATSON, #541078	§	
VS.	§	CIVIL ACTION NO. 9:05cv121
F. REESCANO, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff George Ray Latson, an inmate confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Harry W. McKee. On June 17, 2005, an initial Report and Recommendation was issued concluding that the plaintiff's motion to voluntarily dismiss inmate Norman Evers as a defendant should be granted. No objections were filed to the initial Report and Recommendation. On July 12, 2005, a second Report and Recommendation was issued concluding that the plaintiff's remaining claims should be dismissed with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). The plaintiff has filed objections to the second Report and Recommendation.

The Reports of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by the plaintiff are without merit.

The plaintiff complained that inmate Evers, his cell mate, started threatening and harassing him in February, 2005. He complained to the defendants and was moved to another cell on March 21, 2005. The plaintiff did not show that the defendants were deliberately indifferent to his safety. He likewise failed to show that he sustained a physical injury. At most, the plaintiff showed only that he feared for his safety in February and March, 2005. The lawsuit is frivolous for reasons explained in the Report and Recommendation. The plaintiff's argument in his objections that he should be permitted to proceed with his claims despite the shortcomings in his lawsuit lack merit. Therefore the Court adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

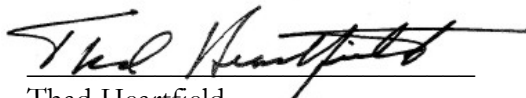
ORDERED that the motion to dismiss the claims against inmate Norman Evers (docket entry #7) is **GRANTED**. It is further

ORDERED that the claims against inmate Norman Evers are **DISMISSED** without prejudice. Fed. R. Civ. P. 41(a)(1). It is further

ORDERED that the plaintiff's remaining claims are **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is finally

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this the 28 day of **July, 2005**.


Thad Heartfield
United States District Judge